

UNITED STATES DISTRICT
SOUTHERN DISTRICT OF N

BILLY RIVERA,

MEMO ENDORSED

Plaintiff,

23-CV-4326

**NOTICE OF MOTION
TO DISMISS**

- against -

KATIE BALOY, DANIEL WALTER, EARL JACOBS,
PAUL HOLLAND, BRETT REED, and
JOHN/JANE DOES 1-25,

Defendants.

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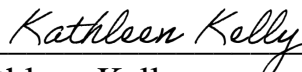
PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, Served Defendants, by their attorney, LETITIA JAMES, Attorney General of the State of New York, will move this Court before the Honorable Kenneth M. Karas, United States District Judge, at the Honorable Charles L. Brieant Jr. United States Courthouse, 300 Quarropas Street, White Plains, New York 10601-4150, on a date set by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, granting Defendants' motion to dismiss Plaintiff's complaint, and for such further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's August 1, 2023 Order, Plaintiff's response to the Motion to Dismiss is due October 5, 2023.

Dated: White Plains, New York
September 1, 2023

LETITIA JAMES
Attorney General
of the State of New York
Attorney for Served
Defendants

By:


Kathleen Kelly
Assistant Attorney General
44 South Broadway
White Plains, New York 10601
(914) 461-9579

VIA ECF:

Mr. Joel A. Wertheimer
14 Wall Street, Suite 1603
New York, New York 10005

Because Plaintiff filed a First Amended Complaint, (Dkt. No. 23), and Defendants answered the amended complaint, (Dkt. No. 24), Defendants' Motion to Dismiss the initial Complaint is denied as moot. The Clerk of Court is respectfully requested to termination the pending Motion to Dismiss, (Dkt. No. 21).

SO ORDERED.



12/13/23

23-CV-4326

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BILLY RIVERA,

Plaintiff,

- against -

**KATIE BALOY, DANIEL WALTER, EARL JACOBS, PAUL HOLLAND,
BRETT REED, and JOHN/JANE DOES 1-25,**

Defendants

NOTICE OF MOTION TO DISMISS

**LETITIA JAMES
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